

December 2006

NO CHILD LEFT BEHIND ACT

Education's Data Improvement Efforts Could Strengthen the Basis for Distributing Title III Funds



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Highlights

Highlights of [GAO-07-140](#), a report to congressional requesters

Why GAO Did This Study

Title III of the No Child Left Behind Act of 2001 (NCLBA) designates federal funds to support the education of students with limited English proficiency and provides for formula-based grants to states. This report describes the data the Education Department used to distribute Title III funds and the implications of data measurement issues for the two allowable sources of data— American Community Survey (ACS) and state assessment data—for allocating funds across states. In addition, the report describes changes in federal funding to support these students under NCLBA and how states and school districts used these funds as well as Education's Title III oversight and support to states. To address these objectives, GAO reviewed documentation on ACS and state data, interviewed federal and state officials, and collected data from 12 states, 11 districts, and 6 schools.

What GAO Recommends

GAO recommends that Education provide clear instructions to states on how and where to provide data specified in NCLBA on the number of students with limited English proficiency, develop and implement a methodology for determining which is the more accurate of the two allowable sources of data, and seek authority to use statistical methodologies to reduce the volatility associated with ACS data. Education generally agreed with GAO's recommendations.

www.gao.gov/cgi-bin/getrpt?GAO-07-140.

To view the full product, including the scope and methodology, click on the link above. For more information, contact Cornelia Ashby at (202) 512-7215 or ashbyc@gao.gov.

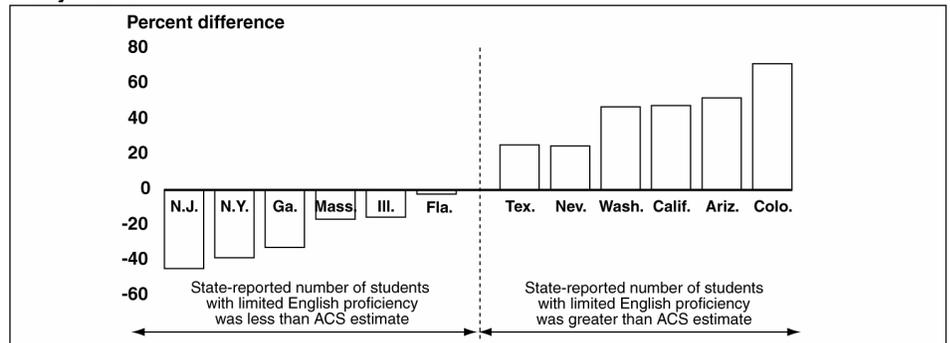
NO CHILD LEFT BEHIND ACT

EDUCATION'S DATA IMPROVEMENT EFFORTS COULD STRENGTHEN THE BASIS FOR DISTRIBUTING TITLE III FUNDS

What GAO Found

Education used ACS data to distribute Title III funds, but measurement issues with both ACS and state data could result in funding differences. Education used ACS data primarily because state data were incomplete. In September, Education officials told us they were developing plans to clarify instructions for state data submissions to address identified inconsistencies. While Education officials expected their efforts to improve the quality of the data, they told us that they had not established criteria or a methodology to determine the relative accuracy of the two data sources. State data represent the number of students with limited English proficiency assessed annually for English proficiency, and ACS data are based in part on responses to subjective English ability questions from a sample of the population. ACS data showed large increases and decreases in numbers of these students from 2003 to 2004 in part due to sample size. ACS data and state counts of students with limited English proficiency for the 12 study states differed (see graph). GAO's simulation of the distribution of Title III funds for fiscal years 2005 and 2006 based on these numbers showed that there would be differences in how much funding states would receive.

Percentage Differences between State-Reported Data (2004-05) and 2004 ACS Data in 12 Study States



Source: GAO analysis of state and ACS data.

In fiscal year 2006, Congress authorized over \$650 million in Title III funding for students with limited English proficiency—an increase of over \$200 million since fiscal year 2001 under NCLBA. This increase in funding as well as the change in how funds are distributed—from a primarily discretionary grant program to a formula grant program—contributed to more districts receiving federal funding to support students with limited English proficiency since the enactment of NCLBA. States and school districts used Title III funds to support programs and activities including language instruction and professional development. Education provided oversight and support to states. Officials from 5 of the 12 study states reported overall satisfaction with the support from Education. However, some officials indicated that they needed more guidance in certain areas, such as developing English language proficiency assessments that meet NCLBA's requirements. Education is taking steps to address issues states identified.

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Abbreviations

ACS	American Community Survey
ESL	English as a second language
ESOL	English for Speakers of Other Languages
NCELA	National Clearinghouse of English Language Acquisition
NCLBA	No Child Left Behind Act

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United States Government Accountability Office
Washington, DC 20548

December 7, 2006

The Honorable George Miller
Ranking Minority Member
Committee on Education and the Workforce
House of Representatives

The Honorable Rubén Hinojosa
Ranking Minority Member
Subcommittee on Select Education
Committee on Education and the Workforce
House of Representatives

The Honorable Lynn Woolsey
Ranking Minority Member
Subcommittee on Education Reform
Committee on Education and the Workforce
House of Representatives

The Honorable Raúl Grijalva
House of Representatives

An estimated 5 million students with limited English proficiency were enrolled in the nation's public schools in the 2003-04 school year, and this population has been growing. Title III of the No Child Left Behind Act of 2001 (NCLBA) designates federal funds to support the education of students with limited English proficiency. We addressed how states can better measure the progress of these students in our July 2006 report.¹ NCLBA, which reauthorized the Elementary and Secondary Education Act, provides for formula-based grants to states, replacing the discretionary grants authorized under Title VII of the Improving America's Schools Act of 1994. In particular, under NCLBA, the Secretary of Education is required to base the distribution of funds on the more accurate of two allowable sources of data on the population of children and youth with limited English proficiency and immigrants: the Bureau of the Census'

¹ GAO, *No Child Left Behind Act: Assistance from Education Could Help States Better Measure Progress of Students with Limited English Proficiency*, [GAO-06-815](#) (Washington, D.C.: July 26, 2006).

(Census) American Community Survey (ACS) data or state-collected data. However, questions have been raised about data measurement issues, such as what the data are designed to measure and how that measurement occurs, that affect the data the Department of Education (Education) can use to distribute Title III funds. Congress is interested in the implications of using each of the two data sources to distribute these funds as well as other issues related to serving students with limited English proficiency. In response to congressional interest we agreed to answer the following questions: 1) What data does Education use to distribute Title III funds and what are the implications of data measurement issues for the two allowable sources of data for allocating funds across states? 2) How have the level and distribution of federal funds to support students with limited English proficiency changed under NCLBA? 3) How do states and school districts use Title III funds? 4) How has Education provided oversight and support to help states meet Title III requirements?

In doing our work we used a variety of methodological approaches. To address how data measurement issues affect the distribution of Title III funds to states and to determine the implications of these issues, we reviewed documentation and literature about ACS data, including prior GAO reports, and interviewed Census officials knowledgeable about ACS. We also analyzed information in 2002-04 state *Biennial Evaluation Reports* and *Consolidated State Performance Reports* for the 2003-04 and 2004-05 school years—the most recent years for which these reports were available—for the 50 states, the District of Columbia, and Puerto Rico. We analyzed the data that states reported related to the number of students with limited English proficiency and recent immigrant students. We selected 12 states and collected data related to students with limited English proficiency and those students classified as recent immigrants. To assess the reliability of state data, we interviewed knowledgeable state officials about data quality control procedures and potential limitations of these data and data systems. We also reviewed relevant documents. We determined that the data obtained from these states related to students with limited English proficiency were sufficiently reliable for our purposes. The selected states have large or growing populations of these students, are geographically diverse, and represent more than 75 percent of both Title III funding and the population of students with limited English proficiency. We visited 6 of the 12 states—Arizona, California, Florida, Illinois, Nevada, and Texas—and called officials in the other 6 states—Colorado, Georgia, Massachusetts, New Jersey, New York, and Washington. We simulated the distribution of Title III funds to the 12 states based on state-reported data and compared the results to the actual distribution for the 2005-06 and 2006-07 school years. To address the

second and third questions, we used information from the states' *Biennial Evaluation Reports*, including information on the number of subgrantees receiving Title III funds in each state and how states used Title III funds. We also gathered in-depth information on funding and programs that support students with limited English proficiency from the 12 study states. We reviewed Education documents and interviewed Education officials, including officials from the Office of English Language Acquisition, the Office of Budget Service, and the National Center for Education Statistics, to obtain information about funding distribution and Education's support to states. In addition, we met with officials in 11 school districts and 1 school in each of these districts to collect in-depth information on how funds were used in the 6 states we visited. Finally, to complete the answer to the question relevant to Education's oversight and support, we reviewed the guidance Education has issued on Title III and analyzed Education's 21 Title III monitoring reports completed as of September 30 and states' responses to these reports as available. We also interviewed state officials in our 12 study states. We conducted our work from December 2005 to September 2006 in accordance with generally accepted government auditing standards.

Results in Brief

Education used ACS data to distribute Title III funding across states; however, Education has not developed a methodology to determine the more accurate of the two allowable data sources, and measurement issues in either allowable source could affect the amount of funding each state receives. Some states provided incomplete data and others provided inconsistent data to Education on the number of students with limited English proficiency in the *Consolidated State Performance Reports*, in part, because of unclear instructions. Education officials told us that their ongoing reviews of state data and preliminary plans to clarify some report instructions should improve these data. Education officials also told us they used ACS data primarily because the state data were incomplete. However, Education officials told us they have not established criteria or a methodology to evaluate the relative accuracy of the two data sources once the state data are complete. ACS and state data each measure different populations in distinct ways, and it is unclear how well either of the two data sources captures the population of children with limited English proficiency. With respect to state data, differences in how states identify which students have limited English proficiency could affect the numbers states report to Education and could ultimately affect the distribution of Title III funds. ACS data present challenges as well. For example, responses to subjective English ability questions on the ACS survey showed some inconsistency when Census officials re-interviewed

respondents. In addition, the ACS data showed large increases and decreases in the numbers of students with limited English proficiency from 2003 to 2004. Some of these fluctuations could be due to sampling error. Our simulation of the distribution of Title III funds for 12 study states for fiscal years 2005 and 2006 using both ACS data and state-collected counts of students with limited English proficiency showed that in each year there would be differences in how much funding each of the 12 study states would receive.

An increase in funding as well as a change in how funds are distributed contributed to more school districts receiving federal funding to support students with limited English proficiency since the enactment of NCLBA. In fiscal year 2006, Congress authorized and Education provided over \$650 million to the 50 states, the District of Columbia, and Puerto Rico, mostly through formula grants for programs that support students with limited English proficiency. This authorization represented an increase of more than \$200 million from fiscal year 2001, the last year Education made discretionary grants for similar purposes under Title VII of the Improving America's Schools Act. Under the Title III formula grant program in fiscal year 2006, the funds were distributed based primarily on the number of students with limited English proficiency. As a result of the change to a formula grant, more school districts received funds under Title III than under Title VII. For example, in three of our study states (California, Texas, and Illinois) more than 1,900 school districts received Title III funds in the 2003-04 school year, compared to about 500 school districts (including districts with schools that received Title VII grants) that received Title VII funding in fiscal year 2001.

States and school districts reported using Title III funds to support programs and activities including language instruction and professional development as well as to support activities for immigrant children and youth, but some study states and school districts cited challenges in recruiting qualified staff. All states, the District of Columbia, and Puerto Rico reported that school districts receiving Title III funds provided a variety of language instruction programs. They also reported that school districts conducted professional development activities for teachers or other personnel, such as workshops on effective teaching strategies for students with limited English proficiency. Forty-six states, the District of Columbia, and Puerto Rico reported that school districts conducted activities to support immigrant children and youth, such as providing tutorials, mentoring, or parent outreach. Similarly, in the 12 study states and 11 school districts we visited in 6 of these states, Title III funds were used to support a variety of programs and activities for students with

limited English proficiency, such as professional development, tutoring, and parent outreach. According to state *Biennial Evaluation Reports*, the majority of states provided professional development to help teachers and other staff meet state and local certification and licensing requirements for teaching students with limited English proficiency. However, officials in some study states identified challenges recruiting qualified staff. Specifically, officials in 5 of the 12 study states and 8 school districts we visited noted that difficulty hiring qualified teachers or other personnel who meet NCLBA requirements presented challenges to implementing effective programs.

Education provided states oversight, such as Title III-monitoring visits, and a variety of support, such as providing technical assistance and guidance through annual conferences and Web casts, to help states meet Title III requirements. Officials from 5 of the 12 study states reported general satisfaction with the support Education provided. One area that officials from seven of the study states identified as difficult was how to address the needs of those students having both limited English proficiency and disabilities, such as those with the most significant cognitive disabilities. An Education official stated that there is limited research on approaches for addressing this group, but Education is working with states and experts to explore the appropriate identification, assessment, placement, and interventions for such students. In addition, officials in 5 of the 12 states thought more guidance was needed on developing English language proficiency assessments that meet NCLBA's requirements. In our July 2006 report, we recommended that Education identify and provide technical support that states need to ensure the validity of academic assessments and publish additional guidance on requirements for assessing English language proficiency, among other things. Education agreed with our recommendations and has begun to identify the additional technical assistance needs of states and ways to provide additional guidance in these areas.

To address issues related to Title III allocation, we recommended that Education (1) include clear instructions about how to provide correct and complete state data on the number of students with limited English proficiency assessed annually for proficiency in English; (2) develop and implement a transparent methodology for determining the relative accuracy of the two allowable sources of data—ACS or state data on the number of students with limited English proficiency assessed annually—for Title III allocations to states; and (3) seek authority to use statistical methodologies to reduce the volatility associated with the ACS data. In comments, Education generally agreed with our recommendations.

Background

Since the 1960's, the federal government has provided resources to support the education of students with limited English proficiency. Federal funding has supported school districts, colleges and universities, and research centers to assist students in attaining English proficiency and in meeting academic standards. In addition to federal funding, state and local agencies provide significant funding to support the education of these students. The evolving educational standards movement and NCLBA have reshaped how the federal government views and supports programs for elementary and secondary school students whose native language is not English.

Prior to Title III of NCLBA, federal funding provided under Title VII of the Improving America's Schools Act supported services for students with limited English proficiency. Both Title III and Title VII were designed to target students with limited English proficiency, including immigrant children and youth, supporting these students in attaining English proficiency and meeting the same academic content standards all students are expected to meet.² However, Title III differs from Title VII in terms of funding methods and requirements for academic standards and English language proficiency standards and assessments. In particular, Title III provides for formula-based grants whereas Title VII provided funds primarily through discretionary grants. Title III also requires states to have English language proficiency standards that are aligned with the state academic content standards, in addition to annually assessing the English language proficiency of students having limited English proficiency. GAO reported on the academic achievement of these students and the validity and reliability of assessments used to measure their performance. We recommended that Education undertake a variety of activities to help states better measure the progress of these students under NCLBA.³

Title VII authorized various discretionary grants to eligible states, school districts, institutions of higher education, or community-based organizations to, among other things, assist with the development of instructional programs for students with limited English proficiency. Under Title VII, colleges and universities also could apply for grants to provide professional development programs on instructional and

² The No Child Left Behind Act of 2001 (Pub. L. No. 107-110 (2002)) and the Improving America's Schools Act (Pub. L. No. 103-382 (1994)) amended and reauthorized the Elementary and Secondary Education Act of 1965.

³ [GAO-06-815](#).

assessment methodologies and strategies as well as resources specific to limited English proficient students for teachers and other staff providing services to these students. Title VII also required that funds be set aside for the establishment and operation of a national clearinghouse for information on programs for students with limited English proficiency. In addition, Title VII offered a formula grant program to support enhanced instructional opportunities in school districts that experienced unexpectedly large increases in their immigrant student population. States with districts that had large numbers or percentages of immigrant students were eligible to receive funds under this program.

Distribution of Title III Funds

In contrast to Title VII, Title III of NCLBA requires Education to allocate funds to all 50 states, the District of Columbia, and Puerto Rico⁴ based on a formula incorporating the population of children with limited English proficiency and the population of immigrant children and youth in each state (relative to national counts of these populations). Specifically, funds are to be distributed to states as follows

- 80 percent based on the population of children with limited English proficiency, and
- 20 percent based on the population of recently immigrated children and youth (relative to national counts of these populations).⁵

NCLBA provides that Education is to determine the number of children with limited English proficiency and immigrant children and youth using the more accurate of two data sources: the number of students with limited English proficiency who are assessed under NCLBA for English

⁴ The total amount of Title III funding allotted to Puerto Rico is not to exceed 0.5 percent of the total amount allotted to all states in a fiscal year.

⁵ NCLBA defines immigrant children and youth to mean individuals aged 3 to 21 who were not born in the United States and who have not been attending school in the U.S. for more than 3 full academic years. Hereinafter the term “recently immigrated children and youth” will refer to this population.

proficiency,⁶ or data from ACS, which is based on responses to a series of relevant questions.⁷

Education allocates these funds after making certain reservations. For example, each fiscal year Education must reserve 0.5 percent or \$5 million, whichever is greater, for providing grants to schools and other eligible entities that support language instruction educational projects for Native American children (including Alaska Native children) with limited English proficiency. Also, a reservation of 6.5 percent is made to support activities including the National Clearinghouse for English Language Acquisition and Language Instruction Educational Programs⁸ and to provide grants for professional development to improve educational services for children with limited English proficiency.⁹ Institutions of higher education in consortia with school districts or state educational agencies may apply for these discretionary grants.

Once states receive Title III funds from Education, they are allowed to set aside up to 5 percent of these funds for certain state-level activities, including administration. In addition, Title III requires each state to use up to 15 percent of its formula grant to award subgrants to its school districts with significant increases in school enrollment of immigrant children and youth, before distributing the remainder across school districts in proportion to the number of students with limited English proficiency.

⁶ Under section 1111(b)(7) of NCLBA, *all* students with limited English proficiency are required to be assessed annually for English proficiency (across three domains: oral language, reading, and writing). Since all students with limited English proficiency are to be assessed, the number of those assessed should be reasonably close to the number of students identified as having limited English proficiency.

⁷ NCLBA directed Education to base the distribution of funding on Census data or data submitted by states for the first 2 years after the passage of NCLBA.

⁸ The National Clearinghouse for English Language Acquisition and Language Instruction Educational Programs collects, analyzes, synthesizes, and disseminates information about language instruction educational programs for children with limited English proficiency. (See <http://www.ncele.gwu.edu>, downloaded Sept. 22, 2006.)

⁹ Funding is also reserved for continuation awards to recipients who received multiple year grants and fellowships under Title VII for the complete period of the grant or fellowship.

School Districts' Uses of Title III Funds

School districts are required to use Title III funds to provide scientifically based language instruction programs for students with limited English proficiency¹⁰ and to provide professional development to teachers or other personnel.¹¹ School districts may also use Title III funds for other purposes, including

- to develop and implement language instruction programs for such students;
- to upgrade program objectives and instruction strategies, curricula, educational software, and assessment procedures for such students;
- to provide tutorials or intensified instruction for these students;
- to provide community participation programs, family literacy services, and parent outreach for these students and their families;
- to acquire educational technology or instructional materials; and
- to provide access to electronic networks for materials, training, and communication.

School districts that receive funds because they have experienced substantial increases in immigrant children and youth are to use these funds for activities that provide enhanced instructional opportunities for these students. Such activities may include family literacy programs designed to assist parents in becoming active participants in the education of their children; services such as tutoring, mentoring, and academic or career counseling for these students; support for teacher aides trained specifically for working with these students; the acquisition of instructional materials or software; and programs designed to introduce these students to the educational system.

American Community Survey

An Office of Management and Budget-sponsored interagency committee, including Education, exists to determine questions to be included on the ACS and decennial census. Education's National Center for Education Statistics represented the department in the determination of the

¹⁰ Language instruction programs used by districts include both English as a Second Language (ESL), an approach that typically involves little or no use of the native language, and bilingual education, which may use and promote two languages. Appendix I provides additional information on different types of ESL and bilingual education programs.

¹¹ NCLBA states that this professional development should be designed to improve the instruction and assessment of students with limited English proficiency and to enhance the ability of teachers to use curricula assessment measures and instruction strategies for these students. It also states that activities should be of sufficient intensity and duration to have a positive and lasting impact on teacher performance.

questions used by Census. The current language questions were developed for the 1980 census to obtain information needed about current language use and limited English language proficiency as a result of legislation such as the Civil Rights Act of 1964, the Bilingual Education Act, and the Voting Rights Act. These questions remain in their original form and have not been modified since the passage of NCLBA.

State Data (Number of Students with Limited English Proficiency Assessed)

The other data source specified by NCLBA as a potential basis for the distribution of Title III funding—the number of students with limited English proficiency who are assessed annually for proficiency in English—would generally come from the states. States report the number of students assessed to Education in their *Consolidated State Performance Reports*. States are to report the number of these students served by Title III who are assessed annually for proficiency in English in the state *Biennial Evaluation Reports* to Education.

Oversight

Education has responsibility for general oversight under Title III of NCLBA, including providing guidance and technical assistance, monitoring, and reporting information to Congress on students with limited English proficiency based on data collected in the *Consolidated State Performance Reports* and *Biennial Evaluation Reports*. Education reviews state plans, which all states have submitted. These plans, as required by Title III, outline the process that the state will use in making subgrants to eligible entities and provide evidence that districts conduct annual assessments for English proficiency that meet the law's requirements, along with other information. By June 2003, Education had reviewed and approved all state plans; Education has since reviewed and approved many plan amendments submitted by states.

**Education Used
Census' ACS Data to
Distribute Title III
Funds Because State
Data Were Incomplete
and Data
Measurement Issues
Could Result in
Funding Differences
across States**

Education used ACS data to distribute Title III funds across states although measurement issues with ACS and state-reported data could affect the amount of funding that each state receives. Education has not developed a methodology to determine the more accurate of the allowable data once state data are complete. The two data sources differ in what they measure and how that measurement occurs. These differences between the data sources have implications for funding levels—some states could receive more funding while others could receive less depending on which data source Education uses.

**Education Used ACS Data
to Distribute Title III
Funds across States, but
Has Not Developed a
Methodology to Determine
the More Accurate of the
Allowable Data—State
Data or ACS Data**

Education based the distribution of Title III funding across states on Census' ACS data for fiscal years 2005 and 2006. In both years, Education used these data to determine the number of children and youth with limited English proficiency as well as the number of children and youth who were recent immigrants. Prior to fiscal year 2005, Education used Census 2000 data for the number of children and youth with limited English proficiency and relied on state-reported data for the number of recent immigrants.¹²

Education officials determined that the ACS data were more accurate than state data—primarily because the state data provided in the *Consolidated State Performance Reports* on the number of students with limited English proficiency who were assessed for English proficiency across three dimensions (reading, writing, and oral) were incomplete. Education officials explained that not all states provided these data for school year 2004-05, and some provided data that included only partial counts of

¹² In fiscal year 2004, Education sought and received authority to continue to use Census data beyond the 2-year time frame set forth in NCLBA. Education officials told us that the pilot ACS data available for the fiscal year 2004 distribution of funds were not suitable to be used as the basis of Title III-funding distribution due to limitations of the sample size used.

students.¹³ For example according to Education, some states, such as California and Texas, did not assess all students with limited English proficiency.¹⁴ Education officials told us that the lack of complete state data was, in part, due to the time needed to establish academic standards and align English language proficiency assessments to those standards and collect the related data.

Education officials also explained that some states provided inconsistent data on the number of students with limited English proficiency who were assessed for English proficiency in the *Consolidated State Performance Reports* because instructions for providing this information did not include definitions of the data to be collected. Similarly, we found that these instructions could be interpreted to ask for different data elements. For example, it was unclear whether states should provide the number of students screened for English proficiency, the number of students who were already identified as limited English proficient who were then assessed for their proficiency or a combination of the two numbers. Further it was not clear whether or not states were to provide an unduplicated count—as some states use more than one assessment to evaluate a student’s mastery of the various dimensions of English proficiency (reading, writing, and oral). Such students may be reported more than once. As a result, some states included duplicate counts of students, and in other states, these data included other student counts (based on screening of new students rather than assessments of already identified students as specified in the law). In September 2006, Education officials told us that they plan to modify the instructions for providing these data in the *Consolidated State Performance Report* for school year 2006-07 data that is to be submitted in December of 2007. However, the officials did not have a copy of a plan or proposed modifications.

During the time of our engagement, Education was in the process of reviewing state data and providing feedback to the states based on both school year 2003-04 and 2004-05 *Consolidated State Performance Report*

¹³ Education relied on their contractor’s analysis of the *Consolidated State Performance Report* data related to students with limited English proficiency and thus did not have a state-by-state analysis of the number of states that did not provide data on the number of students with limited English proficiency who were assessed for English proficiency or those states that provided partial data for school year 2004-05.

¹⁴ In such cases the number of students identified as having limited English proficiency—which is the number we use in our analyses in this report—could be greater than the number of students assessed annually for English proficiency.

data. Education performed this effort in part to improve the quality of state data entered into Education's national data system. This effort included comparing recent data to data provided in previous years and incorporating data edits and checks to guide state officials as they entered relevant data electronically. Education officials told us that they expect this review along with feedback to the states to result in improved data for school year 2005-06 and beyond. They also told us that they believe their efforts to address state data quality, including clarifying *Consolidated State Performance Report* instructions and reviewing state-provided data, will result in improved information on the number of students with limited English proficiency who were assessed for English proficiency.

While Education officials expected that their efforts would improve the quality of the data, they told us that they had not established criteria or a methodology to determine the relative accuracy of the two data sources. Education officials stated that as the state data improve and become complete, complex analysis will be needed to determine the relative accuracy of these data and the ACS data.

The Allowable State Data and the ACS Data Differ in What They Measure and How That Measurement Occurs

The two allowable sources of data measure fundamentally different populations. The state data specified in NCLBA are to represent those students with limited English proficiency who are assessed annually for proficiency. In contrast, the ACS data that Education uses to represent students with limited English proficiency are based on self-reported survey responses to particular questions of a sample of the population. Table 1 compares different characteristics of these data, including what they measure and how.

Table 1: Key Features of ACS and State-Collected Data on Students with Limited English Proficiency

Feature	ACS data used to represent the number of students with limited English proficiency ^a	State data on students with limited English proficiency ^b	
		Number assessed annually for English proficiency	Number identified as limited English proficient
Measures provided	Number of persons ages 5 to 21 who speak a language other than English at home and report speaking English less than “very well”.	Number of students with limited English proficiency in grades K-12 who are assessed for English proficiency.	Number of students identified as limited English proficient in grades K-12.
How it is measured	Self report (sample of population). Collected by Census Bureau.	State developed/approved assessments. Collected by state and local officials.	Varies across states, includes a Home Language Survey. Collected by state and local officials.
Timing	Annual average of monthly sample.	Varies; usually in spring.	Varies: cumulative count, average, one time snapshot.
Purpose	To comply with Voting Rights Act, Older Americans Act, and NCLBA requirements. To provide information to serve the needs of the foreign-born and those with limited English proficiency.	NCLBA requirement to track the progress to proficiency in English of identified students. NCLBA provision as allowable data source for Title III allocation.	To identify children who need to be offered services.
Education’s role in data collection	Work with Census to make sure appropriate questions are included. Can propose new questions, if necessary.	Has required states to assess students annually. Has not yet specifically compiled complete information on the number of students assessed.	Has required states to collect and report these data.

Source: Census, Education, and data obtained by Education from ACS.

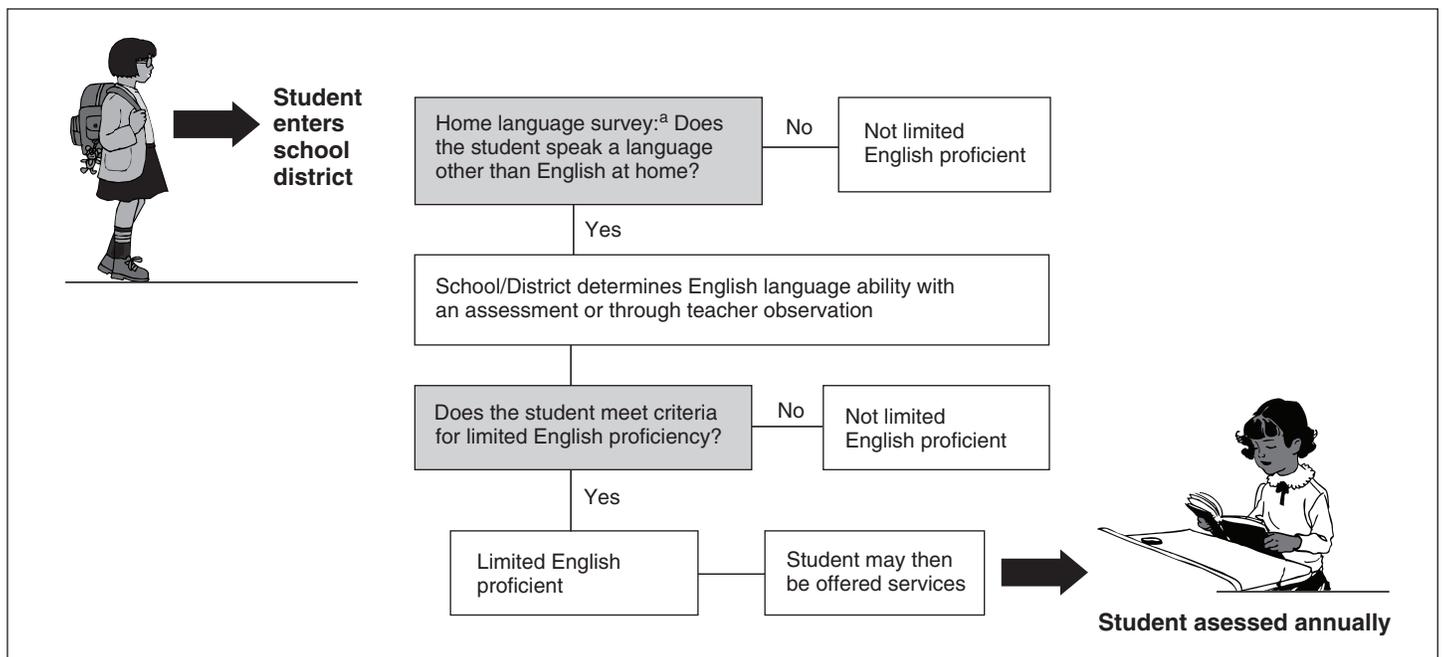
^aThis column refers to data obtained by Education from ACS, but ACS collects additional data.

^bSome states may have data available for children prior to kindergarten.

NCLBA requires that all students with limited English proficiency are assessed annually for proficiency in English. However, states have different methods of identifying which students have limited English proficiency (see fig. 1). These varied methods, along with any differences in interpreting student performance on such screenings, could result in a lack of uniformity in the population identified as having limited English proficiency. States generally employ home language surveys—questionnaires asking what languages are spoken at home—to determine which students should be screened for English proficiency. However, beyond the home language survey, methodologies for determining a student’s English proficiency vary. States use different screening instruments, and even within a state, there could be variation in the instruments used. In addition, some states and school districts may

implement other methods—such as subjective teacher observation reports—in determining a student’s language proficiency. Regardless of how states determine which students have limited English proficiency and need language services, they are required to offer services and assess the progress of all such students.

Figure 1: Process for Determining English Proficiency Status (State Data)



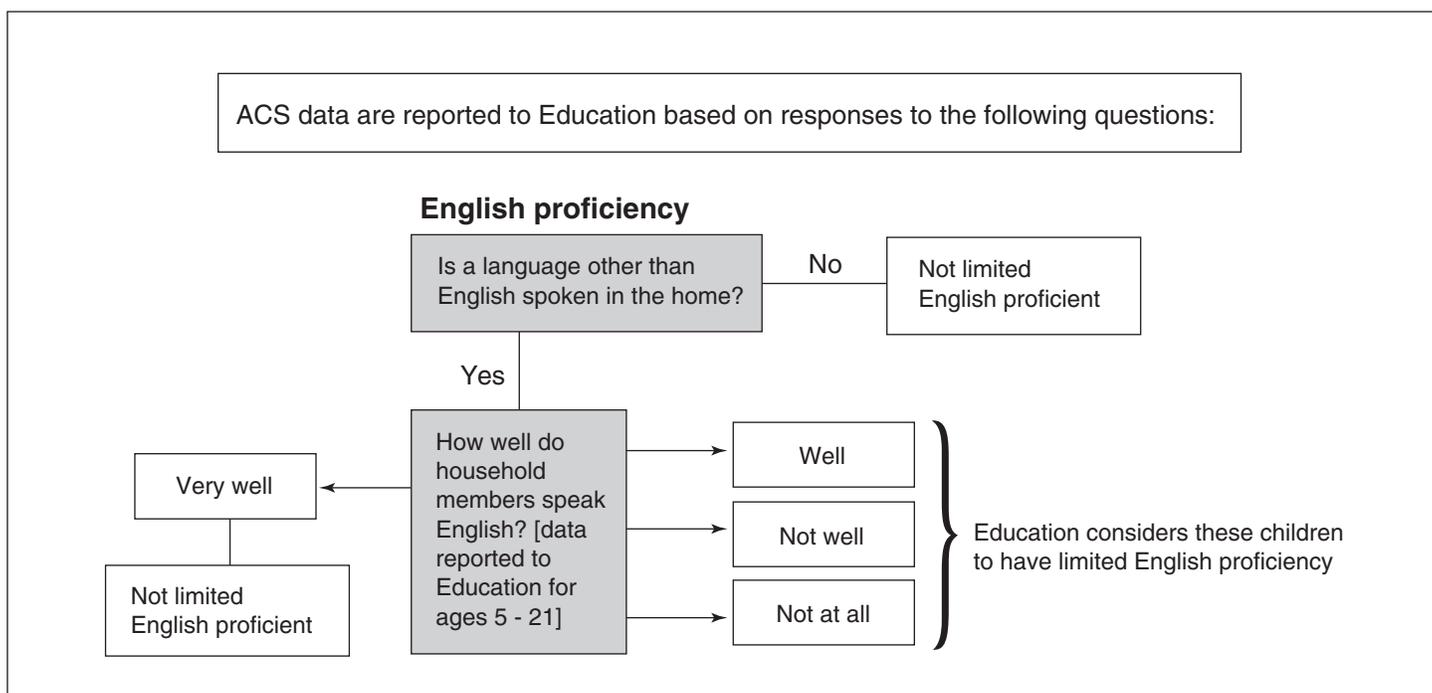
Source: GAO analysis of state-provided data. Art Explosion (images).

^aA home language survey is a survey asking questions about what language the child speaks (other than English) at home.

The ACS data used by Education to represent the number of students with limited English proficiency are based on a sample of the population. In particular, these data represent the number of persons ages 5 to 21 who speak a language other than English in the home and who report speaking English less than “very well” (see fig. 2). The responses to the question regarding how well members of the respondent’s household speak English

are subjective. The Census Bureau has found some inconsistency with these responses in its re-interview process, which is a data quality check.¹⁵

Figure 2: Process for Determining English Proficiency Status (ACS)



Source: GAO analysis of ACS information.

It is not known how accurately the ACS data reflect the population of students with limited English proficiency. According to Census officials, no research exists on the linkage between the responses to the ACS English ability questions and the identification of students with limited English proficiency.¹⁶ Because ACS data are used as the basis of Title III-

¹⁵ See Paula Schneider, *Census 2000 Testing, Experimentation, and Evaluation Program, Topic Report No. 12, TR-12, Content and Data Quality in Census 2000* (U.S. Census Bureau: Washington, D.C.: March 2004).

¹⁶ Census officials provided a 1989 study, *How Good is How Well*, that discussed a 1982 study conducted by Education exploring the relationship between answering “very well” on the English ability questions and performance on a language ability test. The study focused on adults (not on students with limited English proficiency). The Census study explored the relationships between responses to the English ability questions and other factors linked to English usage. We were not able to assess the reliability of these studies.

funding distribution, it is critical to understand how accurately these data represent the population and whether they do so uniformly across states.

In addition, ACS data for 2003 and 2004 show some large fluctuations in the number of respondents who speak English less than very well. In part, these fluctuations can be attributed to the partial implementation of the ACS in these 2 years.¹⁷ The full implementation of the ACS occurred in 2005, and the data on English ability were not yet available at the time of our review. Our analysis of the 2003 and 2004 ACS data that Education used as the basis of Title III funding showed that 13 states had increases of 10 percent or more in this population, while 20 states and the District of Columbia had decreases of 10 percent or more from the prior year.

Table 2: Volatility in ACS Data

	Number of students with limited English proficiency (speak English less than “very well”)			Annual rate of “growth” from 2000 to 2003	Difference in Counts (2003-2004)	Annual rate of growth from 2003 to 2004
	Census 2000	ACS 2003	ACS 2004			
State Totals without Puerto Rico	3,493,118	3,942,395	3,792,910	4.1%	-149,485	-3.8%
Totals with Puerto Rico	4,102,851	4,709,128	4,559,643	4.7%	-149,485	-3.2%
Alabama	12,187	15,225	14,970	7.7%	-255	-1.7%
Alaska	6,126	5,500	5,090	-3.5%	-410	-7.5%
Arizona	108,738	117,530	101,140	2.6%	-16,390	-14.0%
Arkansas	11,660	13,635	21,800	5.4%	8,165	59.9%
California	1,111,387	1,050,180	1,075,825	-1.9%	25,645	2.4%
Colorado	45,866	66,865	60,430	13.4%	-6,435	-9.6%
Connecticut	31,705	28,080	33,020	-4.0%	4,940	17.6%
Delaware	4,877	6,030	7,015	7.3%	985	16.3%
District of Columbia	4,509	5,835	2,950	9.0%	-2,885	-49.4%
Florida	179,109	231,710	235,830	9.0%	4,120	1.8%
Georgia	62,289	93,155	78,495	14.4%	-14,660	-15.7%
Hawaii	13,585	10,565	12,945	-8.0%	2,380	22.5%
Idaho	8,812	12,485	12,550	12.3%	65	0.5%

¹⁷ ACS was not fully funded prior to 2005; the 2003 and 2004 data were based on a sample that was approximately one third the size of the full sample of 2005. Consequently, the sampling errors associated with the smaller sample are larger than they would be with the full sample.

	Number of students with limited English proficiency (speak English less than "very well")			Annual rate of "growth" from 2000 to 2003	Difference in Counts (2003-2004)	Annual rate of growth from 2003 to 2004
	Census 2000	ACS 2003	ACS 2004			
Illinois	165,553	176,630	182,210	2.2%	5,580	3.2%
Indiana	26,562	57,500	70,380	29.4%	12,880	22.4%
Iowa	13,632	17,370	12,900	8.4%	-4,470	-25.7%
Kansas	17,992	15,965	17,160	-3.9%	1,195	7.5%
Kentucky	10,896	16,565	17,580	15.0%	1,015	6.1%
Louisiana	15,265	18,740	15,235	7.1%	-3,505	-18.7%
Maine	2,503	2,590	3,865	1.2%	1,275	49.2%
Maryland	34,318	38,640	39,900	4.0%	1,260	3.3%
Massachusetts	60,631	77,685	59,785	8.6%	-17,900	-23.0%
Michigan	48,542	72,320	49,255	14.2%	-23,065	-31.9%
Minnesota	37,703	44,530	48,180	5.7%	3650	8.2%
Mississippi	7,168	7,410	4,775	1.1%	-2,635	-35.6%
Missouri	19,607	28,600	19,950	13.4%	-8,650	-30.24%
Montana	2,673	1,515	2,920	-17.2%	1,405	92.7%
Nebraska	11,013	14,100	12,460	8.6%	-1,640	-11.6%
Nevada	34,337	48,730	58,010	12.4%	9,280	19.0%
New Hampshire	3,443	5,905	5,195	19.7%	-710	-12.0%
New Jersey	99,993	121,360	100,680	6.7%	-20,680	-17.0%
New Mexico	38,436	40,205	27,690	1.5%	-12,,515	-31.1%
New York	303,212	388,795	332,065	8.6%	-56730	-14.6%
North Carolina	50,797	65,600	73,710	8.9%	8,110	12.4%
North Dakota	1,512	2,190	2,095	13.1%	-95	-4.3%
Ohio	43,675	42,860	48,885	-0.6%	6,025	14.1%
Oklahoma	18,067	31,570	20,575	20.5%	-10,995	-34.8%
Oregon	34,654	37,755	43,100	2.9%	5,345	14.2%
Pennsylvania	63,638	61,600	75,935	- 1.1%	14,335	23.3%
Rhode Island	12,170	17,865	11,875	13.7%	-5,990	-33.5%
South Carolina	14,915	16,155	15,525	2.7%	-630	-3.9%
South Dakota	3,590	4,055	2,855	4.1%	-1200	-29.6%
Tennessee	18,069	25,595	33,180	12.3%	7,585	29.6%
Texas	516,819	603,105	545,330	5.3%	-57,775	-9.6%
Utah	18,171	19,215	20,590	1.9%	1,375	7.2%
Vermont	1,435	1,585	1,140	3.4%	-445	-28.1%
Virginia	43,377	53,935	52,640	7.5%	-1,295	-2.4%
Washington	59,677	58,840	59,350	-0.5%	510	0.9%

	Number of students with limited English proficiency (speak English less than “very well”)			Annual rate of “growth” from 2000 to 2003	Difference in Counts (2003-2004)	Annual rate of growth from 2003 to 2004
	Census 2000	ACS 2003	ACS 2004			
West Virginia	2,495	2,465	2,320	-0.4%	-145	-5.9%
Wisconsin	34,285	44,275	39,665	8.9%	-4,610	-10.4%
Wyoming	1,443	1,780	1,885	7.3%	105	5.9%
Puerto Rico	609,733	766,733				

Source: GAO analysis of Census and ACS data.

Further, seven of the states that showed decreases of 10 percent or more in the ACS 2003-04 data representing students with limited English proficiency also showed an increase in the number of recent immigrants for this period. Many of these immigrants were likely to have limited English proficiency. For example, according to ACS data that Education uses to represent students with limited English proficiency, Rhode Island had a decrease of 33.5 percent in this population at the same time that it had an increase (about 33 percent) in the number of recent immigrants (age 3 to 21).¹⁸

Education used the most current ACS data available to distribute Title III funding across the states, consequently the fluctuations in the ACS data were reflected in fluctuations in funding. In so far as these data reflect population changes, such fluctuations are to be expected. However, if the fluctuations were due to errors resulting from the sample size for the 2003 and 2004 ACS data, then they may have resulted in some states receiving a greater (or lesser) proportion of the funds than their population of students with limited English proficiency and recently immigrated children and youth would warrant.¹⁹ Table 3 shows Education’s distribution of Title III funds across states for fiscal years 2005 and 2006.

¹⁸ The 7 states that had at least a 10 percent drop in the ACS number Education uses to represent the number of students with limited English proficiency and an increase in the number of recent immigrants are: Arizona, Georgia, New York, Rhode Island, South Dakota, Texas, and Wisconsin.

¹⁹ ACS data will continue to experience some degree of volatility due to the introduction of the full household sample size for 2005, changes in response rates, changes in annual population controls (which determine the annual changes in the population and its characteristics), and the incorporation of information from the 2010 Decennial Census.

Table 3: Allocation of Title III Funds for Fiscal Years 2005 and 2006

	Title III Allocations to states		
	FY 2005 (Dollars)	FY 2006 (Dollars)	Percentage Difference
Totals with Puerto Rico	579,164,605	617,176,837	6.56%
Alabama	2,969,385	3,174,723	6.92%
Alaska	835,169	951,490	13.93%
Arizona	16,053,667	17,374,634	8.23%
Arkansas	1,986,077	3,612,909	81.91%
California	149,565,827	166,955,253	11.63%
Colorado	9,947,707	9,613,097	-3.36%
Connecticut	4,440,248	5,571,146	25.47%
Delaware	876,486	1,212,964	38.39%
Florida	38,999,401	42,709,671	9.51%
Georgia	13,281,802	13,188,888	-0.70%
Hawaii	1,645,216	2,298,533	39.71%
Idaho	2,107,363	2,030,270	-3.66%
Illinois	24,732,083	28,836,450	16.60%
Indiana	7,644,463	10,667,335	39.54%
Iowa	2,907,230	2,020,724	-30.49%
Kansas	2,417,540	2,740,852	13.37%
Kentucky	2,404,457	3,118,830	29.71%
Louisiana	3,317,197	2,346,119	-29.27%
Maine	500,000	621,027	24.21%
Maryland	6,654,183	7,437,226	11.77%
Massachusetts	11,258,663	9,855,919	-12.46%
Michigan	11,540,302	8,594,099	-25.53%
Minnesota	6,595,273	7,098,282	7.63%
Mississippi	1,017,471	742,851	-26.99%
Missouri	4,538,410	3,100,690	-31.68%
Montana	500,000	500,000	0.00%
Nebraska	2,143,231	2,130,605	-0.59%
Nevada	6,865,410	8,673,706	26.34%
New Hampshire	1,056,420	823,886	-22.01%
New Jersey	20,186,729	16,783,993	-16.86%
New Mexico	5,347,129	4,051,960	-24.22%

	Title III Allocations to states		
	FY 2005 (Dollars)	FY 2006 (Dollars)	Percentage Difference
New York	53,923,317	53,526,957	-0.74%
North Carolina	9,979,375	12,582,872	26.09%
North Dakota	500,000	500,000	0.00%
Ohio	6,567,211	8,027,863	22.24%
Oklahoma	4,869,319	3,843,474	-21.07%
Oregon	5,300,358	6,888,009	29.95%
Pennsylvania	8,982,966	11,458,626	27.56%
Rhode Island	2,375,164	1,950,367	-17.88%
South Carolina	2,588,131	2,502,240	-3.32%
South Dakota	515,986	500,000	-3.10%
Tennessee	4,546,936	5,523,057	21.47%
Texas	82,422,240	85,865,561	4.18%
Utah	2,888,015	3,652,520	26.47%
Vermont	500,000	500,000	0.00%
Virginia	9,222,809	9,823,062	6.51%
Washington	8,547,438	10,265,825	20.10%
West Virginia	610,998	500,000	-18.17%
Wisconsin	6,171,980	6,258,643	1.40%
Wyoming	500,000	500,000	0.00%
District of Columbia	922,000	583,745	-36.69%

Source: GAO analysis of Education data.

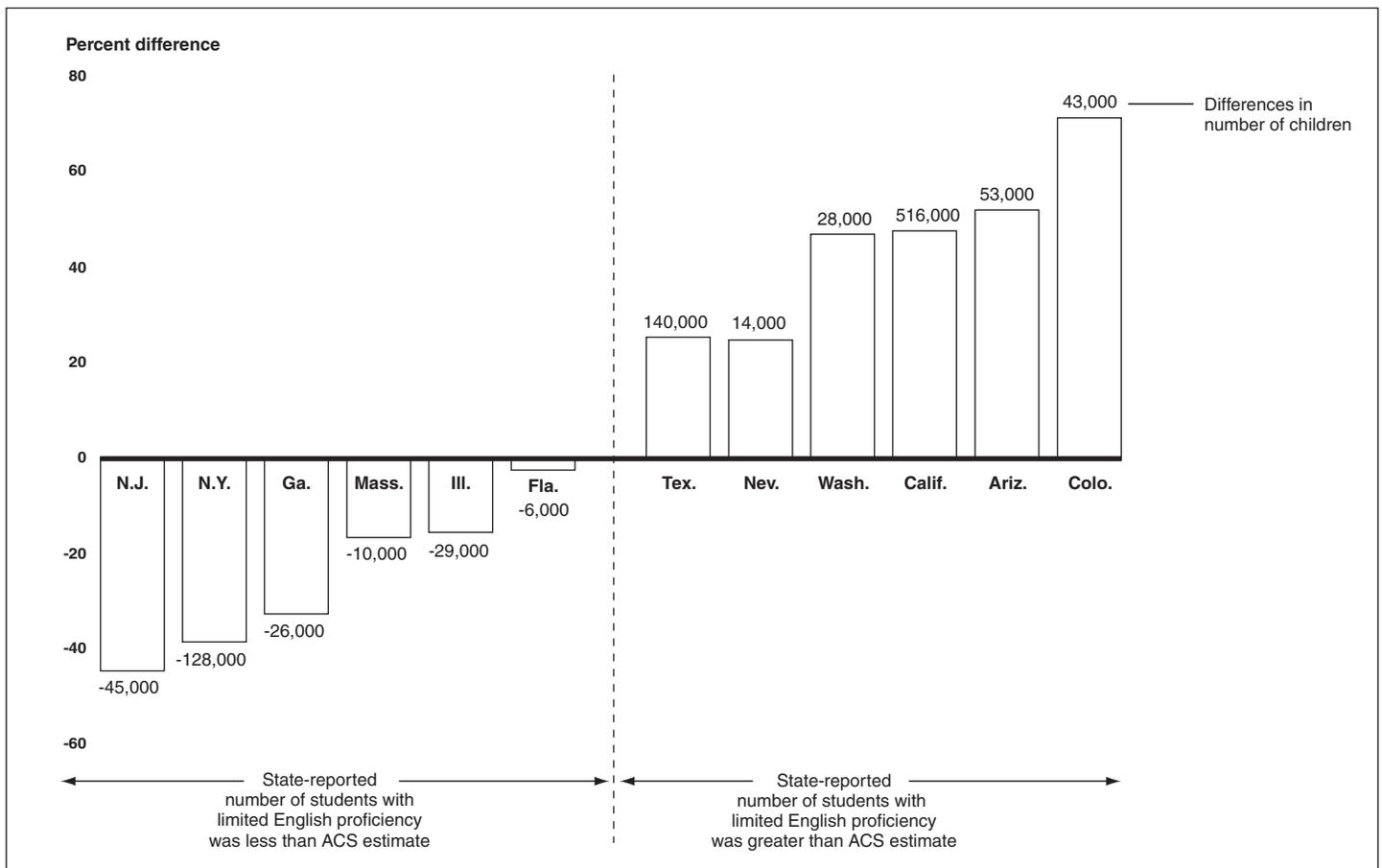
Note: States studied in bold.

In our 12 study states, we found differences between the state-reported number of students identified as having limited English proficiency and the ACS data that Education uses to represent this population of students (see fig. 3). In 6 states, the 2004 ACS number was greater than the state's count (for school year 2004-05), while in the other 6 states the ACS number was less than the corresponding state count.²⁰ For example, while California reported having about 1.6 million students with limited English proficiency in the 2004-05 school year, ACS estimates of the population of persons ages 5 to 21 who speak a language other than English in the home

²⁰In all but one of the 12 study states, the state data were outside the margin of error—that is they fell outside the 90 percent confidence interval provided by ACS. Florida's data were within the margin of error.

and speak English less than “very well” was less than 1.1 million. This represents a difference of almost 50 percent. The difference in New York for that school year was also large—New York reported about 204,000 students with limited English proficiency—and the ACS number used by Education was about 332,000, a difference of almost 40 percent for the same school year (see fig. 3).

Figure 3: Percentage Differences between School Year 2004-05 State-Reported Data and 2004 ACS Data in 12 Study States



Source: GAO analysis of state and ACS data.

Note: GAO collected these state data because, at the time of our review, Education had not completed its review of the reasonableness of the *Consolidated State Performance Report* data on the number of students with limited English proficiency that was being done to provide reliable data for input into Education’s new national data system.

Education used ACS data for the number of immigrant children and youth for fiscal years 2005 and 2006; however, for fiscal years 2002-2004,

Education relied on state-reported counts of the number of immigrant children and youth. With regard to data states collect on the number of children and youth who are recent immigrants, state officials expressed a lack of confidence in these data. State officials in some of the 12 study states told us that these data were not very reliable because school and school district officials did not ask about immigration status directly. Some state and school district officials told us that in order to determine whether a student should be classified as a recent immigrant, they relied on information such as place of birth and the student’s date of entry into the school system. Officials in one state told us that in the absence of prior school documentation, they made the assumption that if a student was born outside the U.S. and entered the state’s school system within the last 3 years, then the student was a recent immigrant. See table 4 for more information about the characteristics of state-collected data and ACS data pertaining to children and youth who are recent immigrants.

Table 4: Key Features of ACS and State-Collected Data on Immigrant Children and Youth

Feature	ACS data on immigrant children and youth^a	State-collected data on immigrant children and youth^b
Measures provided	Number of foreign-born persons ages 3 to 21 who arrived in the United States within the 3 years prior to the survey.	Number of students in grades K-12 identified as recent immigrants.
How it is measured	Self report (sample of population).	States make determinations based on student records or other information. Some states told us that they are not able to directly ask students questions related to their immigration status.
Timing	Annual average of monthly sample.	Varies.
Purpose	To comply with Immigration Nationality Act and Public Health Service Act requirements. To provide data to set and evaluate immigration policies and laws.	To comply with the NCLBA requirement to assess progress of all limited English proficient children, including immigrant children and youth, to attain English proficiency.
Education’s role in data collection	Work with Census to make sure appropriate questions are included. Can propose new questions, if necessary.	Education collects this number from the states in the <i>Consolidated State Performance Reports</i> .

Source: GAO analysis of information from Census, Education, and 12 study states.

^aThis column refers to data obtained by Education from ACS, but ACS collects additional data.

^bSome states may have data available for children prior to kindergarten.

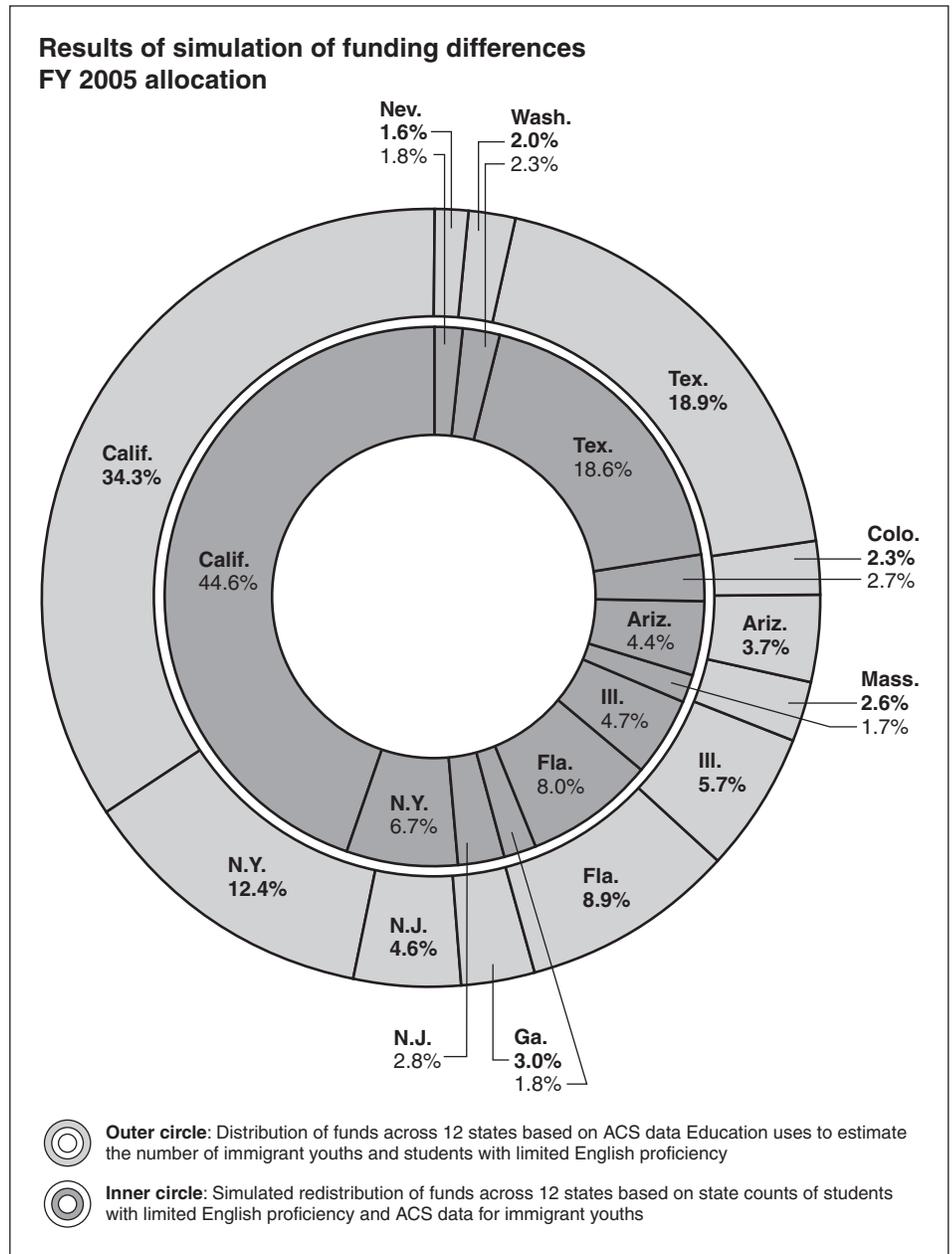
The ACS data on the number of children and youth who are recent immigrants represent the number of foreign-born persons ages 3 to 21 who came to the United States within the 3 years prior to the survey. Similar to the ACS data that Education used to represent students with limited

English proficiency, these data are also based on self reports. However, the ACS responses are more objective (e.g., the date of entry into the United States) and therefore may be more consistent than the responses to the English ability questions.

Some States Could Receive More Funding While Others Could Receive Less Depending on Which Data Source Education Uses

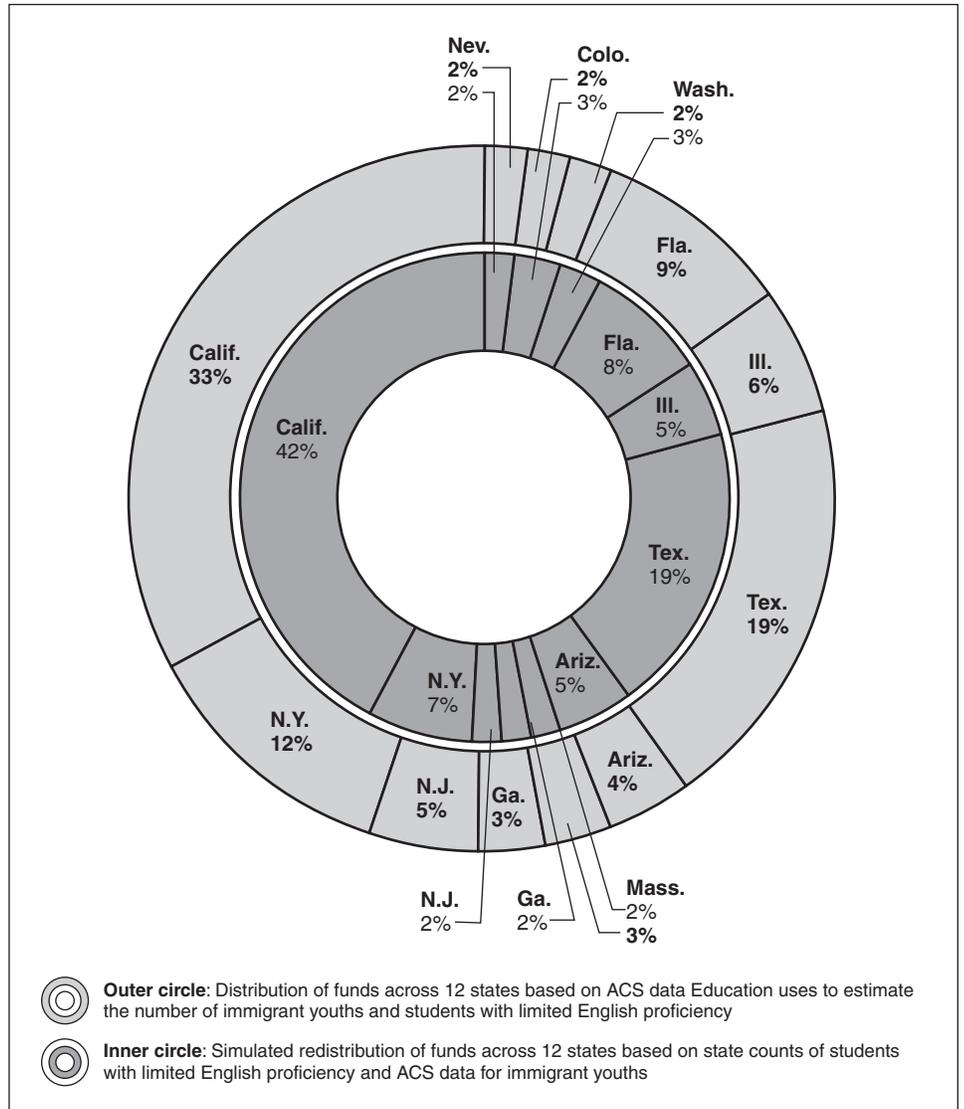
Education's choice to use one data set over the other has implications for the amount of funding states receive because the data sources specified in NCLBA measure different populations in different ways. We simulated the distribution of funds across our 12 study states, using ACS data and data representing the number of students with limited English proficiency reported to us by state officials. We used the number of students with limited English proficiency identified by states, rather than the number of these students assessed annually for their English proficiency because state-reported data on the number of students assessed for school years 2003-04 or 2004-05 were not available for all the 12 study states. Throughout the simulation, we used ACS data representing the number of immigrant children and youth. Based on our simulation, we found that in fiscal years 2005 and 2006, 5 of the 12 study states—Arizona, California, Colorado, Nevada, and Washington—would have received more funding and the other 7 study states would have received less (see figs. 4 and 5).

Figure 4: Distribution of Title III Funds across 12 Study States Based on a Simulation Using ACS and State-Reported Data (Fiscal Year 2005)



Source: GAO analysis of ACS and state-reported data.

Figure 5: Distribution of Title III Funds across 12 Study States Based on a Simulation Using ACS and State-Reported Data (Fiscal Year 2006)



Source: GAO analysis of ACS and state-reported data.

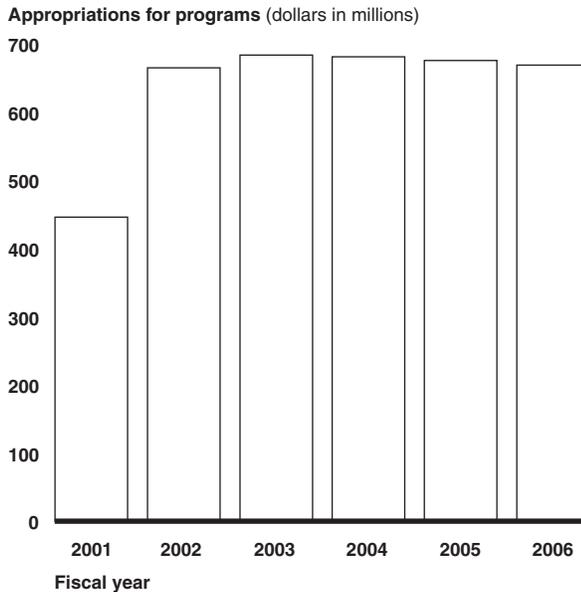
**Under NCLBA,
Federal Funding for
Students with Limited
English Proficiency
and Immigrant
Children and Youth
Has Increased, and
More School Districts
Are Receiving Funds**

Federal funds for students with limited English proficiency and immigrant children and youth increased significantly from fiscal year 2001—the year prior to the enactment of the NCLBA— to fiscal year 2006. In addition to the increase in funding to the states, many more school districts received funds under the Title III formula grant program.

**Funding for Students with
Limited English
Proficiency and Immigrant
Students Increased
Significantly under Title III
from Title VII Levels**

Federal funding for students with limited English proficiency and immigrant children and youth increased significantly from fiscal year 2001 (the year prior to the enactment of NCLBA) to fiscal year 2002 when Congress first authorized Education to distribute funds to states under Title III. In fiscal year 2001 states, schools, school districts, and universities received almost all of the \$446 million dollars appropriated for Title VII to educate students with limited English proficiency, including immigrant students. Congress appropriated over \$650 million for this purpose in fiscal year 2002. Annual appropriations remained between \$650 million and \$685 million in fiscal years 2003-06 (see fig. 6).

Figure 6: Appropriations for Programs to Support Students with Limited English Proficiency Fiscal Years 2001 through 2006



Source: U.S. Department of Education data.

Under NCLBA, 37 states received an increase in funding to support students with limited English proficiency and immigrant children and youth in fiscal year 2006,²¹ compared to funding in fiscal year 2001 under Title VII. Education provided about 93 percent (more than \$600 million) of funds to support students with limited English proficiency and immigrant children and youth to states based on the Title III formula for funding distribution in fiscal year 2006. The remainder funded other Title III programs, including professional development grants (5.4%) and Native American and Alaskan Native grants (1.2%).

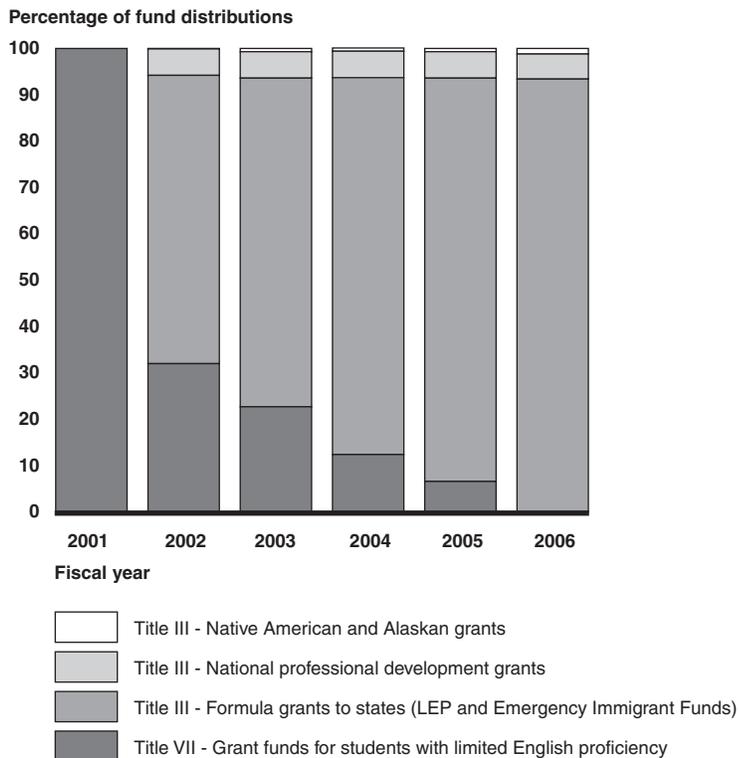
In fiscal year 2001, Education distributed 41.2 percent of the \$432 million²² of Title VII funds provided to states in the form of discretionary grants to schools, school districts, and state education agencies to support the

²¹ Fiscal year 2006 is the most recent year for which we have state by state Title III funding allocations.

²² Of the \$446 million appropriated for Title VII in fiscal year 2001, about \$14 million was retained by Education to support the National Clearinghouse for Bilingual Education and other support services.

education of students with limited English proficiency, and 22.5 percent for professional development of teachers and others associated with the education of these students. Education allocated (34.4%) to states to support the education of immigrant students under the Emergency Immigrant program and the remaining 1.9 percent to state educational agencies for program administration and to provide technical assistance to school districts. (See fig. 7 for distribution of Title VII funds in total and Title III funds by program for fiscal years 2001-06.)

Figure 7: Distribution of Title VII and Title III Funds Provided to States in Fiscal Years 2001 through 2006



Source: U.S. Department of Education data.

The percentage of grant funding specified for professional development decreased from 22.5 percent under Title VII in fiscal year 2001 to about 5.4 percent under Title III in fiscal year 2006. However, Education officials told us that states and school districts are required to use a portion of the Title III formula grant funding they receive to provide professional development for teachers and other staff even though the level of funds is not specified in the law. As a result, officials believe that more funds are

being spent for professional development under Title III than under Title VII.

The percentage of funding provided for programs specifically for immigrant students was higher under Title VII than under Title III. Under Title VII, Education distributed about 34 percent of fiscal year 2001 funding to states based on the number of immigrant students in the state. In contrast, 20 percent of the Title III formula grant funds is distributed to states on the basis of their relative number of immigrant students. Upon receiving Title III grants, states are to reserve up to 15 percent of their formula grants to award subgrants to school districts within the state with significant increases in school enrollment of immigrant children and youth. Officials in our study states told us that the percentage of funds they reserved specifically for providing enhanced instructional opportunities for immigrant children and youth ranged from 0 to 15 percent, and varied in some states from year to year. For example, one state's officials noted that the percentage varied from 8 percent in fiscal year 2003 to none in fiscal year 2005. Officials in our study states generally explained that they distributed Title III funds reserved for this purpose to school districts with a significant increase in immigrant students over the previous 2 years. For example, another state official stated that to receive these funds, school districts must have an increase of either 3 percent or 50 students from the average of the 2 previous years, whichever is less, and must have a minimum of 10 immigrant students.

More School Districts Received Funds for Students with Limited English Proficiency under Title III Formula-Based Funding Than under the Title VII Discretionary Grants

The number of school districts receiving federal funding for students with limited English proficiency has increased under Title III compared to under Title VII. For example, in three of our study states (California, Texas, and Illinois) more than 1,900 school districts received funding for students with limited English proficiency under Title III in school year 2003-04 compared to about 500 school districts (including districts in which schools were awarded Title VII grants directly) receiving such funding under Title VII. Further, fewer schools in a district receiving Title VII funds may have actually benefited from these funds. For example, officials in two districts noted that under Title III all schools in the districts received some funds to support their students with limited English proficiency. In contrast, these officials told us that prior to NCLBA, Title VII discretionary grants were targeted to some schools in their districts while other schools with students with limited English

proficiency received no Title VII funds. Education officials estimated that Title III funds are now being used to support 80 percent of the students with limited English proficiency in schools.²³

States and School Districts Used Title III Funds to Support Programs for Students with Limited English Proficiency, but Some Cited Challenges Recruiting Highly Qualified Staff

States and school districts reported using Title III funds to support a variety of programs and activities for students with limited English proficiency, ranging from various types of language instruction programs to professional development. With regard to challenges in implementing effective programs, officials we interviewed in 5 study states and 8 school districts reported difficulty recruiting qualified staff.

Title III Funds Supported Various Programs and Activities, Including Language Instruction and Professional Development

Nationwide, states and school districts reported using Title III funds to support a variety of programs and activities, including language instruction, activities to support immigrant children and youth, professional development, and technical assistance. For example, all fifty states, the District of Columbia and Puerto Rico reported that school districts receiving Title III funds implemented various types of language instruction programs, including bilingual and English as a second language (ESL) programs, according to 2002-04 state *Biennial Evaluation Reports to Education*.²⁴ Specifically, all states, the District of Columbia, and Puerto Rico reported using ESL programs, which typically involve little or no use of the native language, such as sheltered English instruction and pull-out ESL.²⁵ In addition, all but 12 states also reported using bilingual programs,

²³ We did not assess the reliability of this estimate.

²⁴ Appendix I provides descriptions of different types of language instruction programs.

²⁵ Sheltered English instruction and pull-out ESL are both language instruction programs in which students with limited English proficiency are instructed in English. The sheltered English instruction helps students with limited English proficiency become proficient in English while at the same time learning academic content. The pull-out approach moves students with limited English proficiency out of the regular classroom for special instruction in English as a second language.

which may provide instruction in two languages, such as dual language programs that are designed to serve both English-proficient and limited English proficient students concurrently (see table 5). (See app. II for more information regarding language-instruction programs that states, the District of Columbia, and Puerto Rico reported using.)

Table 5: Number of States, Including the District of Columbia and Puerto Rico, That Reported Using Title III Funds to Support Different Types of Language Instruction Programs

Type of language instruction program	Number of states ^a using funds to support program
ESL:	52
Sheltered English instruction	45
Structured English immersion	35
Specially designed academic instruction delivered in English	17
Content-based ESL	41
Pull-out ESL	44
Other ^b	22
Bilingual programs:	40
Dual language	30
Two-way immersion	17
Transitional bilingual	31
Developmental bilingual	11
Heritage language	15
Other ^c	7

Source: GAO Analysis of 2002-04 state *Biennial Evaluation Reports* to the US Department of Education.

^aIncludes the District of Columbia and Puerto Rico.

^bSome states reported that school districts receiving Title III funds implemented other ESL programs; for example, one state reported districts used push-in ESL, which it described as providing instruction in English and native language support if needed to students with limited English proficiency in the regular classroom. Two states noted using the inclusion approach, in which the ESL teacher is actually in the classroom and helps to facilitate the instruction delivery of the regular classroom teacher, with appropriate modifications for students with limited English proficiency.

^cSome states reported that school districts receiving Title III funds implemented other bilingual programs; for example, one state noted using foreign language immersion, which it described as a bilingual program in which students with limited English proficiency are taught primarily or exclusively through sheltered instruction or a second language, later combined with native language classes.

Forty-six states, the District of Columbia, and Puerto Rico reported that school districts used Title III funds designated to support activities for

immigrant children and youth for programs such as parent outreach, tutorials, mentoring, and identifying and acquiring instructional materials. For example, officials in one state noted that many school districts used these funds to expand activities designed for all students with limited English proficiency, while other districts used them to meet the unique needs of immigrant students not addressed through other programs, such as providing counseling for traumatized refugee students. Officials in another state noted that school districts commonly used these funds to provide newcomer centers that provided educational and other services to recent immigrants and their parents. Funds were also used to provide ESL classes before and after school for recent immigrant students as well as ESL classes, literacy classes, and computer classes for their parents.

States also reported that Title III funds supported professional development activities. Specifically, all states, the District of Columbia, and Puerto Rico reported that school districts used Title III funds to conduct professional development activities for teachers or other personnel, such as workshops or seminars on the administration and interpretation of English language proficiency assessments or on various teaching strategies for students with limited English proficiency. In addition, 40 states reported reserving a portion of state-level funds²⁶ to provide professional development to assist teachers and other personnel in meeting state and local certification, endorsement and licensing requirements for teaching these students. For example, one state reported offering a seminar once per year that provided professional development hours that participants could use to meet state certification or endorsement requirements, and another state noted that it reimbursed teachers for tuition for courses that led to ESL endorsement.

In addition, 49²⁷ states, the District of Columbia, and Puerto Rico reported reserving state-level funds for other activities, including providing technical assistance, planning, and administration (table 6). All 12 study states reported reserving state-level funds. While all study states reported reserving state-level funds for administration—including salaries for Title III staff—as well as for professional development and technical assistance,

²⁶ NCLBA allows states to reserve up to 5 percent of Title III funds for state-level activities.

²⁷ Illinois did not complete the relevant checklists in the 2002-04 *Biennial Evaluation Report*. However, Illinois described implementing certain state-level activities in the response narrative in the *Biennial*. Illinois officials also told us, during our visit, that the state reserves state-level funds.

the majority of study states also reserved these funds for other activities, such as to develop guidance on English language proficiency standards.

Table 6: Number of States, including the District of Columbia and Puerto Rico, That Reported Using Title III Funds for Various State-Level Activities

Type of state-level activity	Number of states ^a reserving state-level funds for activity
Technical assistance in one or more of the following areas:	51
identifying or developing and implementing measures of English language proficiency	50
helping students with limited English proficiency meet standards expected of all students	48
implementing English language instructional programs based on scientific research	47
promoting parental and community participation in programs for students with limited English proficiency	44
other areas (such as strategic planning)	12
Other state-level activities:	51
planning	40
administration	40
professional development for certification/licensing requirements	40
interagency cooperation	38
evaluation	36
other	7

Source: GAO analysis of 2002-04 state *Biennial Evaluation Reports* to the U.S. Department of Education.

^aStates include the District of Columbia and Puerto Rico.

Similarly, in interviews with officials in 11 school districts and schools²⁸ we visited in 6 of our study states, we found that Title III funds were used to support a variety of programs and activities for these students. Most districts we visited reported using Title III funds for the instructional program and materials as well as for professional development and assessments. In addition, districts used these funds to provide services, such as after-school tutoring or summer school programs, and for parent outreach activities, such as adult ESL classes or workshops on how to help your child succeed in school.

For example, in one school district, we visited a high school that used Title III funds for two English for Speakers of Other Languages (ESOL) teachers

²⁸ We visited one school in each of the 11 districts.

and one teacher aide who worked with all of the school's limited English proficient students. School officials also said that the county used Title III funds for a resource teacher who visited their school on a weekly basis to instruct teachers in ESOL strategies. The resource teacher also provided individualized pull-out instruction. This school also purchased computer-based learning software with Title III funds.

NCLBA requires school districts to use a portion of Title III funds for language instruction programs for students with limited English proficiency and to provide professional development to teachers or other personnel. However, Education found issues related to these required uses during Title III-monitoring visits to seven states. For example, Education found that one of two districts visited in one state used all its Title III funds for teacher salaries and benefits. Education found that this issue arose due to a lack of familiarity with federal requirements and required the state to develop a corrective action plan. However, in the remaining 14 states monitored to date, Education did not find any issues related to the required uses.

Some States and School Districts Cited Challenges in Recruiting Highly Qualified Staff

Officials in five study states and in 8 school districts in the six states we visited reported that difficulty hiring qualified teachers or other personnel that meet NCLBA requirements presented challenges to implementing effective programs. NCLBA requires public school teachers to be highly qualified in every core academic subject they teach²⁹ and increased the level of funding to help states and districts implement teacher qualification requirements, including activities to help states and districts recruit and retain highly qualified teachers. However, officials in one district we visited noted that teacher transience in high-needs schools presents challenges because schools must continually provide training to new staff on strategies for teaching students with limited English proficiency. In another district, officials noted a particular challenge in locating qualified substitute teachers to work with these students when necessary.

Prior GAO work also found that states and school districts were experiencing challenges implementing NCLBA's teacher qualification requirements, including difficulties with teacher recruitment and retention. While we found that many of the hindrances reported by state

²⁹ Core subjects include English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography.

and district officials could not be addressed by Education, Education had identified several steps it would take in its 2002-07 strategic plan related to these issues, including supporting professional development and encouraging innovative teacher compensation and accountability systems.

Education Provided Oversight and Support to Help States Meet Title III Requirements

Education's oversight included Title III monitoring visits; twice yearly discussions with states on information they provide to Education, known as desk audits; and continuous informal monitoring in response to questions from states. As part of its oversight effort, Education implemented a monitoring program in 2005 to address each states' administration of the Title III program. This monitoring effort was designed to provide regular, systematic reviews and evaluations of how states meet Title III requirements to ensure that they implement and administer programs in accordance with the law. Monitoring is conducted on a 3-year cycle, and as of September 2006, Education officials had monitored and reported on 20 states and the District of Columbia. Education officials reported that they plan to visit 17 more states in fiscal year 2007.

As part of the monitoring visits, Education reviews states' and districts' implementation of NCLBA requirements, such as data to be included in required reports and required district uses of Title III funds. Education has found issues relating to a number of these requirements. For example, for 4 of the 20 states monitored and the District of Columbia, Education had findings related to the data that these states submitted in their *Consolidated State Performance Reports*. According to Education, 20 of the 21 monitoring reports had findings, and most states have developed corrective action plans to address them. Education officials stated that they are reviewing these plans and working with states to determine which findings have been appropriately addressed and to develop a time frame for resolving remaining findings.

In addition, Education's program officers perform semiannual reviews of states' responses to sections of the *Consolidated State Performance Report* related to Title III and *Biennial Evaluation Reports* states submit to Education along with phone calls to state officials to address issues identified. For example, in October 2005 the program officers asked states how quickly they got the funding out to school districts because this was an area identified as a concern. Finally, Education officials explained that they provide informal, ongoing monitoring by addressing issues brought up by state officials throughout the year.

Education offered support in a variety of ways to help states meet Title III requirements. Education held on-site and phone meetings to provide technical assistance to states, such as how to address the needs of those students having both limited English proficiency and disabilities. Education also held annual conferences focused on students with limited English proficiency that included sessions that provided information to state Title III directors and others on a variety of topics, such as NCLBA policies related to students with limited English proficiency and English language proficiency assessment issues. Education also held semiannual meetings and training sessions with state Title III directors, a nationwide Web cast on English language achievement objectives, and also videoconference training sessions for some state officials on how to meet Title III requirements. The department issued guidance on issues related to students with limited English proficiency on its Web site and also distributed information through an electronic bulletin board and a weekly electronic newsletter focused on students with limited English proficiency and through the National Clearinghouse for English Language Acquisition and Language Instruction Educational Programs. In addition, Education plans to provide assistance to individual states in developing appropriate goals for student progress in learning English through at least 3 of the 16 regional comprehensive centers the agency has contracted with to build state capacity to help school districts that are not meeting their adequate yearly progress goals.

Officials from 5 of the 12 study states reported general satisfaction with the guidance, training, and technical assistance Education provided. However, one area that officials from seven of the study states identified as a challenge was addressing the needs of those students having both limited English proficiency and disabilities. Although Education issued guidance on including students with both limited English proficiency and disabilities in English language assessments and English proficiency goals, two states noted that the guidance does not specifically address how to serve those students with the most significant cognitive disabilities who also have limited English proficiency. Education estimates that nationwide about 1 percent of students have the most significant cognitive disabilities. An Education official stated that there is limited research on how to address this group of students, but Education is working with states and experts to explore the appropriate identification, assessment, placement, and interventions for such students.

In addition, officials in 5 of the 12 study states thought more guidance was needed to develop English language proficiency assessments that meet NCLBA's requirements. In our July 2006 report we found that Education has issued little written guidance on how states are expected to assess and track the English proficiency of these students, leaving some state officials unclear about Education's expectations.³⁰ We recommended that Education identify and provide the technical support states need to ensure the validity of academic assessments and publish additional guidance on requirements for assessing English language proficiency. Education agreed with our recommendations and has begun to identify the additional technical assistance needs of states and ways to provide additional guidance in these areas.

Conclusions

NCLBA was enacted to ensure that all students have the opportunity to succeed in school, including meeting state academic content standards and language proficiency standards. However, if Education does not use the most accurate data as the basis of Title III-funding distribution, funds may be misallocated across states. NCLBA specifies that Education is to distribute funds based on the more accurate data source—Census' ACS data or the number of students with limited English proficiency assessed annually. Because Education has not provided states with clear instructions on the portions of the *Consolidated State Performance Report* relevant to the collection of state data on the number of students with limited English proficiency assessed annually for English proficiency, it has been difficult for states to provide the data Education needs in order to consider the use of state data as the basis of distributing Title III funds. Until Education provides clear instructions, states may continue to provide inconsistent data.

Once Education has provided such instructions and continues to work with states to improve data quality, the state data will be more reliable and complete. In addition, as Education completes its review of state-supplied school-year 2003-04 and 2004-05 data, it will be in a better position to consider the relative accuracy of the ACS and state data. However,

³⁰ See [GAO-06-815](#) for further information.

without a methodology in place to assess the relative accuracy of these data sources, it is unclear how Education will determine which data to use as the basis of Title III-funding distribution. This is of particular concern, since without such a methodology, it will remain unknown how well either of the two data sources captures the population of children with limited English proficiency.

In addition, ACS data have shown volatility—large increases and decreases—in the numbers of students with limited English proficiency from 2003 to 2004. While some volatility may be related to population fluctuations, some is related to the ACS sample size. Consequently, states may experience excessive fluctuations in their funding amounts from year to year. Some states may continue to see large fluctuations in the Title III funding when data based on the full ACS sample are introduced, when data are based on new annual population estimates are incorporated, and when data based on the 2010 Decennial Census become available. As a result, states affected by this volatility may be unable to plan effectively.

Recommendations

To address the need for reliable and complete state data on the number of students with limited English proficiency assessed annually, we recommend that the Secretary of Education clarify the instructions on the portions of the *Consolidated State Performance Report* relevant to the collection of data on the number of students with limited English proficiency assessed annually for English proficiency.

To strengthen the basis for Education’s distribution of Title III funds, we recommend that the Secretary of Education develop and implement a transparent methodology for determining the relative accuracy of the two allowable sources of data, ACS or state data on the number of students with limited English proficiency assessed annually, for Title III allocations to states.

To address volatility in annual ACS data, we recommend that as part of NCLBA reauthorization, the Secretary should seek authority to use statistical methodologies, such as multiyear averages.

Agency Comments and Our Evaluation

We provided a draft of this report to Education for review and comment. In a letter, Education agreed with our recommendation regarding the need for reliable and complete data on the number of students with limited English proficiency assessed annually for English proficiency. The department stated that it has addressed this recommendation by revising the CSPR data collection form for the 2005-06 school year and by proposing additional changes to the 2007 CSPR (Part I) form. However, as stated in our report, Education did not provide documentation of the proposed changes. Further, it is not clear that the changes the department describes would result in complete and reliable data on the number of students with English proficiency assessed annually for English proficiency. We still recommend that Education review and clarify instructions to allow for an unduplicated count of students that would meet NCLBA requirements for use as a potential data source for funding. Regarding our second recommendation, Education agreed that it should develop a methodology to compare the relative accuracy of the two data sources, but stated that it should wait until the quality of state data improves. However, we encourage Education to take steps now to develop a methodology, since the department has been taking multiple steps to improve the quality and completeness of state data. In this way, Education will be positioned to determine which data source is the more accurate when state data has sufficiently improved. Finally, Education seemed to agree with our recommendation concerning the volatility of ACS data, but commented that the department did not have the legal authority to use multiyear averages of ACS data as the basis for distributing Title III funds. The department suggested that Congress might want to address this issue in the NCLBA reauthorization. As a result, we changed the recommendation to state that as part of NCLBA reauthorization, Education should seek authority to use statistical methodologies, such as multiyear averages, to address the volatility of ACS data.

Education officials also provided technical comments that we incorporated into the report where appropriate. Education's written comments are reproduced in appendix III.

We are sending copies of this report to the Secretary of Education, relevant congressional committees, and other interested parties. We will also make copies available to others upon request. In addition, the report will be made available at no charge on GAO's Web site at <http://www.gao.gov>.

Please contact me at (202) 512-7215 if you or your staff have any questions about this report. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. Major contributors are listed in appendix IV.

Cornelia M. Ashby

Cornelia M. Ashby, Director
Education, Workforce and Income Security Issues

Appendix I: Descriptions of Educational Programs for Language Instruction

The following information was gathered from the National Clearinghouse of English Language Acquisition's (NCELA) web site. NCELA identified various sources for the program descriptions.

Table 7: Descriptions of Educational Programs for Language Instruction

<i>Type of Program</i>	<i>Description</i>
Bilingual education	Bilingual education is an educational program in which two languages are used to provide content matter instruction. Some bilingual programs use and promote two languages, while in others, bilingual children are present, but bilingualism is not fostered in the curriculum.
Dual language program	Also known as two-way immersion or two-way bilingual education, dual language programs are designed to serve both language minority and language majority students concurrently. Two language groups are put together and instruction is delivered through both languages. For example, in the United States, native English speakers might learn Spanish as a foreign language while continuing to develop their English literacy skills and Spanish-speaking students with limited English proficiency learn English while developing literacy in Spanish.
Two-way immersion	See dual language program.
Transitional bilingual education	Transitional bilingual education is an instructional program in which subjects are taught through two languages—English and the native language of the English language learners—and English is taught as a second language. English language skills, grade promotion, and graduation requirements are emphasized, and the native language is used as a tool to learn content. The primary purpose of these programs is to facilitate the student with limited English proficiency's transition to an all-English instructional environment while receiving academic subject instruction in the native language to the extent necessary. As proficiency in English increases, instruction through the native language decreases. Transitional bilingual education programs vary in the amount of native language instruction provided and the duration of the. Transitional bilingual education programs may be early-exit (in which children move from bilingual education programs to English-only classes in the first or second year of schooling) or late-exit (in which children participate in bilingual instruction for 3 or more years of schooling), depending on the amount of time a child may spend in the program.
Developmental bilingual education	Developmental bilingual education is a program that teaches content through two languages and develops both languages with the goal of bilingualism (e.g., the ability to use two languages) and biliteracy (e.g., the ability to effectively communicate or understand thoughts and ideas through two languages' grammatical systems and vocabulary, using their written symbols).
English as a second language (ESL)	English as a second language is an educational approach in which English language learners are instructed in the use of the English language. Their instruction is based on a special curriculum that typically involves little or no use of the native language, focuses on language (as opposed to content), and is usually taught during specific school periods. For the rest of the school day, students may be placed in mainstream classrooms, an immersion program, or a bilingual education program. Every bilingual education program has an English as a second language.
Heritage language	Heritage language refers to the language a person regards as their native, home, and/or ancestral language. This covers indigenous languages (e.g., Navajo) and in-migrant languages (e.g., Spanish in the U.S).

Appendix I: Descriptions of Educational Programs for Language Instruction

Type of Program	Description
Sheltered English instruction	Sheltered English instruction is an approach used to make academic instruction in English understandable to English language learners to help them acquire proficiency in English while at the same time achieving in content areas. Sheltered English instruction differs from English as a second language in that English is not taught as a language with a focus on learning the language. Rather, content knowledge and skills are the goals. In the sheltered classroom, teachers use simplified language, physical activities, visual aids, and the environment to teach vocabulary for concept development in mathematics, science, social studies, and other subjects.
Structured English immersion	In this program, language minority students receive all of their subject matter instruction in English. The teacher uses a simplified form of English. Students may use their native language in class; however, the teacher uses only English. The goal is to help minority language students acquire proficiency in English while at the same time achieving in content areas.
Specially designed academic instruction in English	Specially designed academic instruction in English is a program of instruction in a subject area, delivered in English, which is specially designed to provide students with limited English proficiency with access to the curriculum.
Content-based English as a second language	Content-based English as a second language is an approach to teaching English as a second language that makes use of instructional materials, learning tasks, and classroom techniques from academic content areas as the vehicle for developing language, content, cognitive, and study skills. English is used as the medium of instruction.
Pull-out English as a second language	Pull-out English as a second language is a program in which students with limited English proficiency are "pulled out" of regular, mainstream classrooms for special instruction in English as a second language.

Source: NCELA, <http://www.ncela.gwu.edu/expert/glossary.html> as viewed on 9/22/2006.

Appendix II: Language Instruction Educational Programs Used by States in School Years 2002-03 and 2003-04

Bilingual Programs						
State	Dual language	Two way immersion	Transitional bilingual	Developmental bilingual	Heritage language	Other ^a
Ala.						
Ak.	x	x	x	x	x	x
Ark.						
Ariz.	x		x		x	
Calif.		x	x			
Colo.	x		x		x	
Conn.	x		x			
Del.	x	x	x			
D.C.	x	x	x	x		
Fla.	x				x	
Ga.						
Hawaii			x			
Iowa	x	x	x			x
Id.				x		
Ill.	x	x	x	x		x
Ind.			x			
Kan.	x	x	x	x		
Ky.	x		x			
La.						
Mass.	x		x			
Me.	x	x			x	
Md.					x	
Mich.	x	x	x		x	
Minn.	x	x	x			
Mo.						
Miss.	x		x			
Mont.					x	
N.C.	x	x	x		x	
N.D.	x		x		x	x
Neb.	x				x	
N.H.						
N.J.	x		x	x	x	
N.M.	x	x	x	x	x	

**Appendix II: Language Instruction
Educational Programs Used by States in
School Years 2002-03 and 2003-04**

ESL					
Sheltered English instruction	Structured English immersion	Specially designed academic instruction delivered in English	Content-based ESL	Pull-out ESL	Other ^b
X	X	X	X	X	X
X	X				X
X	X	X	X	X	X
	X		X		
	X	X			X
X		X	X	X	
X	X		X	X	
X	X		X	X	X
X			X	X	
X	X	X	X	X	
	X		X	X	
X			X	X	X
		X		X	X
X			X	X	X
X			X	X	
X	X		X	X	
X	X		X	X	
X	X	X	X	X	
X	X		X	X	
X	X	X	X	X	
X	X		X	X	X
X	X	X	X	X	X
X	X		X	X	
X	X	X	X	X	
X	X		X	X	
X	X	X	X	X	X
X	X		X	X	
X	X	X	X	X	X
X	X		X	X	
X	X	X	X	X	X

**Appendix II: Language Instruction
Educational Programs Used by States in
School Years 2002-03 and 2003-04**

Bilingual Programs

State	Dual language	Two way immersion	Transitional bilingual	Developmental bilingual	Heritage language	Other ^a
Nev.	x		x			
N.Y.	x		x	x		x
Ohio		x	x			x
Okla.	x					
Ore.	x	x	x			
Penn.						x
P.R.		x				
R.I.	x		x			
S.C.						
S.D.			x	x	x	
Tenn.						
Tex.	x	x	x	x		
Utah	x		x		x	
Vt.						
Va.						
Wash.	x		x			
Wis.	x	x	x	x		
W.Va.						
Wyo.						

**Appendix II: Language Instruction
Educational Programs Used by States in
School Years 2002-03 and 2003-04**

ESL					
Sheltered English instruction	Sheltered English immersion	Special designed academic instruction delivered in English	Content-based ESL	Pull-out ESL	Other ^b
X	X		X	X	
X			X	X	X
X	X			X	X
X	X			X	X
X	X		X	X	
X				X	
	X				
X		X		X	
X			X	X	
X	X	X	X	X	
X	X	X	X	X	X
X			X	X	
X	X	X		X	
	X		X	X	
X	X	X	X	X	X
X	X		X	X	
X	X		X	X	X
X			X		
X	X	X	X	X	

Source: GAO analysis of Department of Education 2002-04 *Biennial Evaluation Report* to Congress

^aSome states reported that school districts receiving Title III funds implement other bilingual programs; for example, one state noted using foreign language immersion, which it described as a bilingual program in which students with limited English proficiency are taught primarily or exclusively through sheltered instruction or a second language, later combined with native language classes.

^bSome states reported that school districts receiving Title III funds implement other English as a second language programs; for example, one state reported districts use push-in ESL, which it described as providing instruction in English and native language support if needed to students with limited English proficiency in the regular classroom. Two states noted using the Inclusion approach, in which the English as a second language teacher is actually in the classroom and helps to facilitate the instruction delivery of the regular classroom teacher, with appropriate modifications for students with limited English proficiency.

Appendix III: Comments from the Department of Education



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ENGLISH LANGUAGE ACQUISITION, LANGUAGE ENHANCEMENT,
AND ACADEMIC ACHIEVEMENT FOR LIMITED ENGLISH PROFICIENT STUDENTS

November 27, 2006

Ms. Cornelia M. Ashby
Director
Education, Workforce, and Income Security Issues
Government Accountability Office
441 G Street, NW
Washington, DC 20548

Dear Ms. Ashby:

I am writing in response to your request for comments on the Government Accountability Office (GAO) draft report entitled, "No Child Left Behind: Education's Data Improvement Efforts Could Strengthen the Basis for Distributing Title III Funds," (GAO-07-140). I appreciate the opportunity to respond to the recommendations made in the report and to provide you with additional information on how the U.S. Department of Education is supporting the effective distribution and use of the state formula grant funds under the provisions of Title III of the Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001 (NCLB).

The Department takes very seriously the need to collect accurate data on limited English proficient (LEP) students and to distribute Title III funds in an equitable and efficient manner. The Department believes that the nation's LEP students will benefit from the effective allocation of Title III state formula funds because these funds provide important resources that schools, districts, and states use in serving LEP children. We appreciate the specific recommendations made in the report and respond to each of them below.

Your first recommendation concerns the need for reliable and complete state data on the number of students with limited English proficiency assessed annually. Specifically, you recommend that the Secretary of Education clarify the instructions on the portions of the Consolidated State Performance Report (CSPR) relevant to the collection of data on the number of students with limited English proficiency assessed annually for English proficiency.

The Department has addressed this recommendation in the revised 2006 CSPR (Part I) data collection form for 2005-2006 data. The Department clarified data definitions that had been identified by states in previous collections as cumbersome or ambiguous. In an effort to increase transparency and to solicit input from Title III and state data administrators, the Department invited all states to attend regional meetings in the spring of 2006 to discuss LEP data collection issues. A total of 39 states attended the regional meetings. The Department then shared with all states the information collected in these meetings. Drawing on this information, we made changes to the 2006 Title III Biennial Report form and have proposed changes to the 2007 CSPR (Part I) form. The 2006 Title III Biennial Report form is now available electronically. The

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online format, with built-in data checks, provides the opportunity for the reports to be pre-populated with data previously entered in the CSPR (Part I) and the Education Data Exchange Network (EDEN) report, reducing significantly the burden for states. In addition, the automatic migration of data from the CSPR to other reports required by Congress creates a consistent data reporting system.

NCLB provides a definition of LEP that will be used for all data collection related to LEP students, thus providing stability for states in building their data collection systems. Furthermore, revisions to data definitions and data collection concerning LEP students have been coordinated among the Department's data collection and reporting initiatives: EDEN/EDFacts; CSPR; and the Title III Biennial Report. Through this effort, the Department has developed a more comprehensive approach with targeted questions that will clarify the data elements needed to report accurately the LEP enrollment and assessment data to Congress. State data submission into the new EDEN system will be mandatory starting with the 2006-2007 data collection, providing the opportunity for the Department to have a more complete data system, to coordinate the data definition and data collection efforts, and to eliminate duplication. Most importantly, the Department will have the ability to analyze the data and provide feedback to the states on funding and other valuable issues related to the achievement of LEP students.

Your second recommendation deals with the basis for the Department's distribution of Title III funds. Specifically, you recommend that the Secretary of Education develop and implement a methodology for determining the relative accuracy of the two allowable sources of data, American Community Survey (ACS) and state data on the number of students with limited English proficiency assessed annually, for Title III allocations to states.

As indicated in the report, under the Title III legislation, the Secretary of Education is required to base the distribution of funds on the more accurate of two allowable sources of data on the population of children and youth with limited English proficiency and immigrant students: the Bureau of the Census' ACS data or state-collected data. As the report correctly points out, state data on the number of students with limited English proficiency were incomplete and of poor quality during the first several years of the new program. Some states provided incomplete data and others provided inconsistent data to the Department on the number of students with limited English proficiency in the CSPR. Differences in how states identify which students have limited English proficiency also could affect the data they report to the Department and, as the report indicates, could ultimately affect the distribution of Title III funds. Though, as the report notes, ACS data present challenges as well, the ACS does provide more complete and consistent counts of individuals with limited English proficiency. Therefore, the decision on which data set to use in making Title III state allocations was not difficult. At this time, we do not see a need to develop an elaborate methodology to compare the relative accuracy of the two data sources. However, in the future, as the quality of the state data improves, it will be appropriate to implement a more formal methodology, and consistent with this recommendation, we will do so.

Your third and final recommendation refers to the volatility in annual ACS data. Specifically, you recommend that the Secretary consider using statistical methodologies, such as the use of multi-year averages, for as long as the Department uses the ACS data.

**Appendix III: Comments from the Department
of Education**

With regard to the use of multi-year averages, the current law requires us to use the most up-to-date data, which we have determined are the most recent year's data. The issue of whether multi-year data should be used is one that the Congress might want to address in reauthorization.

As a final note, your report notes several areas in which the Department is working to improve the way states, districts, and schools use Title III funds to improve the English language and academic proficiency of LEP students and recommends several areas where we might identify and provide technical support and guidance to states to ensure the validity of academic and language proficiency assessments for LEP students. Toward that end, in August, Secretary Spellings announced the LEP Partnership – an initiative designed to explore and resolve, in partnership with the states, many of the English language acquisition, academic achievement, assessment, and instructional issues that confront our nation's LEP students and the schools and districts they attend. The LEP Partnership is providing technical expertise and support to state efforts to better address the needs of LEP students. The Department is partnering with the National Council of La Raza, the Mexican American Legal Defense and Educational Fund, the Council of Chief State School Officers, the Comprehensive Center on Assessment and Accountability, and the National Center on English Language Acquisition on this effort. All states are invited to be a part of the initiative. The Department intends to disseminate across all states the findings, practices, policy recommendations, assessment instruments, and tested accommodation practices developed through the Partnership. More information on the initiative can be found at <http://www.ed.gov/about/inits/ed/lep-partnership/index.html>.

Thank you again for taking the time to research and report on the provisions of NCLB related to the accurate distribution of Title III funds. The Department values the work that you have done to provide rich and insightful analyses about the current status of LEP data and the implications for the accurate distribution of the Title III state formula grant funds. We will use the findings and recommendations to improve our allocations to states and ultimately to improve the quality of Title III implementation around the country.

Sincerely,



Kathleen Leos
Assistant Deputy Secretary and Director
Office of English Language Acquisition

Appendix IV: GAO Contacts and Acknowledgments

GAO Contacts

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Staff Acknowledgments

Harriet Ganson (Assistant Director) and Julianne Hartman Cutts (Analyst-in-Charge) and Nagla'a El-Hodiri (Senior Economist) managed all aspects of this assignment. R. Jerry Aiken, Melinda L. Cordero, and Elisabeth Helmer made significant contributions to this report. Tovah Rom contributed to writing this report. Jean McSween, Robert Dinkelmeyer, and Robert Parker provided key technical support. James Rebbe provided legal support.

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